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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,894	06/20/2001	Gregory S. Shelness	9151.18	4865
<div>20792 7590 10/10/2007 MYERS BIGEL SIBLEY & SAJOVEC PO BOX 37428 RALEIGH, NC 27627</div>				
			EXAMINER HISSONG, BRUCE D	
			ART UNIT 1646	PAPER NUMBER
			MAIL DATE 10/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09885894	6/20/2001	SHELNESS, GREGORY S.	9151.18

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EXAMINER

Bruce D. Hissong, Ph.D.

ART UNIT	PAPER
1646	20070923

DATE MAILED:

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Commissioner for Patents

The response filed on 3/03/2003 is not fully responsive to the prior office actions mailed on 1/27/2003 and 9/19/2001 for the following reason(s). The requirement for restriction mailed on 9/19/2001 required restriction among inventions 1-75, as set forth on pages 2-4 of that office action. The Applicant's response filed on 10/24/02, in which Applicants cancelled the original claims and submitted new claims 44-92, was found to be non-responsive because Applicants did not specifically elect an invention. In the action mailed on 1/27/2003, the previous Examiner indicated that new claims 44-46, 48-60, 62-69, and 70-78 read on original Group 1, claims 44-45, 47-59, 61-79 read on original Group 2, claims 80-90 read on original Group 3, claims 80-90 read on original Group 4, claims 91-92 read on original Group 5, and claims 91-92 read on original group 6. Original groups 7-75 were drawn to covalent conjugates comprising a truncated apolipoprotein. Thus, it was not clear which invention Applicants intended to elect with the submission of the new claims. In the Applicants response received on 3/03/2003, the Applicants elected the apolipoprotein ApoB23, which the Applicants stated is assigned to Group 22. The Applicants further elected the species of antibody as the heterologous moiety, phosphatidylcholine as the species of polar lipid, and triglyceride as the species of neutral lipid.

This response is deemed unresponsive because it is not clear which, if any, of new claims 44-92 read on original group 22, drawn to a covalent conjugate. Applicants are hereby required to indicate which of the newly presented claims read on the elected group 22 and not on original groups 1-6.

Finally, regarding Applicants traversal of the original restriction requirement on the basis that original claim 39 is a linking claim that cannot thus be part of other groups, it noted that this claim has now been cancelled, making this argument moot.

Because the reply received on 3/03/2003 appears to be bona fide, Applicants is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce D. Hissong, Ph.D., whose telephone number is (571) 272-3324. The Examiner can normally be reached M-F from 8:30 a.m. to 5:00 p.m. If attempts to reach the Examiner by telephone are not successful, the Examiners supervisor, Gary Nickol, Ph.D., can be reached at (571) 272-0835. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for

unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (886) 217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or (571) 272-1000.

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Art Unit 1646



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